

<b>Application Number:</b>	2011/461	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use of log cabin from children's party & activity venue to a nursery school	<b>Location:</b>	Ski Club Log Cabin, Haslingden Old Road, Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	15 November 2011
<b>Applicant:</b>	Owls Montessori Nursery	<b>Determination Expiry Date:</b>	28 November 2011
<b>Agent:</b>			

<b>Contact Officer:</b>	Richard Elliott	<b>Telephone:</b>	01706-238639
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## REASON FOR REPORTING

### Outside Officer Scheme of Delegation

#### Member Call-In

Name of Member:

Reason for Call-In:

### 3 or more objections received

**Other (please state): Council Owned Land**

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

#### Article 8

The right to respect for private and family life, home and correspondence.

#### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

	<b>RECOMMENDATION</b>
	That permission be granted subject to the conditions in Section 9.

## 1. SITE

The application relates to a detached single storey timber building formerly part of the Rossendale Ski Centre, the immediately surrounding land and 10 spaces within the adjacent car park. The site is owned by the Council.

The building measures 9m x 14m and is setback from Haslingden Old Road by approximately 20m, on sloping land amidst mature trees. It has to its north side a large parking area which operates a 1-way system, to its east side the exit road from that car park, to the west side a Public Footpath which forms part of the Rossendale Shoe Trail and beyond that residential properties.

The site is located within a Greenlands Area designated as Countryside in the Rossendale District Local Plan.

## 2. RELEVANT PLANNING HISTORY

1986/597     Erection of club house  
                  Approved

1992/283     Side extension  
                  Approved

## 3. THE PROPOSAL

The application seeks permission to change the use of the building from a children's party and activity venue to a nursery. The proposed opening hours are 08.00-18.00 Mondays to Fridays. The applicant has advised that there would be a maximum of 24 children attending the nursery, with 5-6 full time and part time staff.

No external alterations to the building are proposed. They will have available to them ten parking spaces in the adjacent car park.

The applicant has also supplied the following information :

- The whole ethos of the nursery is to promote the wonderful setting of the wooded environment it occupies. The nursery caters for children aged 0 to 4 and follows the National curriculum with structured learning sessions and outside breaks equal to schools e.g. mid-morning, lunch and mid-afternoon. The land between the cabin and road is not needed but will be cared for and kept tidy.
- A low fence in keeping with the location will be constructed around the existing patio for the security of the children.
- There will be no need for any trees to be cut down, but there are branches overhanging the cabin to be trimmed.

## 4. POLICY CONTEXT

### National

PPS1     Sustainable Development  
PPS4     Economic Growth  
PPS7     Countryside  
PPG13    Transport

## **Development Plan**

### **Regional Spatial Strategy for the NW of England (2008)**

DP1-9	Spatial Principles
RDF1	Spatial Priorities
RDF2	Rural Areas
L1	Health, Sport, Recreation, Cultural & Educational Services Provision
RT2	Managing Travel Demand
RT4	Management of the Highway Network
EM1	Environmental Assets

### **RBC Core Strategy DPD (2011)**

AVP4	Rawtenstall
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
Policy 14	Tourism
Policy 17	Rosendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

### **Rosendale District Local Plan (1995)**

DS1	Urban Boundary
E5	Greenlands

### **Other Material Planning Considerations**

Draft National Planning Policy Framework (2011)

## **5. CONSULTATION RESPONSES**

### **LCC (Highways)**

Request a condition that the dilapidated signage at the entrance and exit points is renewed to better inform drivers of the 1-way system operating in respect of the car park.

It would also wish a new footway provided alongside the exit road from the car park to Haslingden Old Road as use of the existing footway alongside the entrance road by parents dropping off and picking up their children on foot will put them at risk of collision as they cross the car park to reach the cabin.

Whilst the number of parking and drop-off spaces available to the school is considered adequate, they will need to be appropriately marked and signed with the operation times they are reserved for school use, thereby allowing their use by ski slope visitors during the evenings and at weekends.

### **RBC (Environmental Health)**

No objection.

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order two site notices were posted on 06/10/11 and 15 neighbours were notified by letter on 4/10/11.

Three letters of objection have been received raising the following points:

- The Whittaker family donated this site to the people of Rossendale for it to be preserved for appropriate leisure park activities. Although the building has been used for parties, it was originally built to house the ski club. Object on the grounds that the protected land will be adversely affected by increased commercial and institutional activity - this land should be used for an appropriate leisure use which will assist survival of the ski centre.
- Rejuvenation of the Town Centre is the priority and this land is beyond the Urban Boundary.
- Lack of public transport resulting in reliance on car and lack of off-street parking spaces
- Increase in traffic on Haslingden Old Road during peak times and the likelihood parents may park on the road, a danger given the speed of passing vehicles.
- Motorists often miss the turning to the ski slope and turn around in the immediate vicinity causing traffic disruptions.
- Noise and light nuisance to 271 Haslingden Old Road, mainly at drop off and collection times as, during the winter period, external lighting would be required.
- Concerned that there will be future modification of the building and outdoor play provision, to the detriment of neighbour and visual amenity.

Ski Rossendale has objected on the following grounds:

- The proposal is in conflict with the plan for the Ski Rossendale Ltd license. Whilst no objection is made to the change of use of the cabin itself, an objection is raised to loss of more than five car parking spaces to it, on the basis that only staff will need to park at the centre.
- Due to the anticipated increase in visitors during winter months and Ski/snowboard competition events it is the intention of Ski Rossendale to clear the area to the south of the Cabin to create more parking facilities. The grant of the application will seriously affect the number of people able to attend the proposed events at the Ski slope, and be directly detrimental to the income of Ski Rossendale Limited.

## 7. **ASSESSMENT**

In dealing with this application the main issues to consider are : 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

### Principle

The application site lies within an area of Countryside and Greenlands, wherein there is a policy presumption against erection of new buildings unless for a restricted range of purposes. However, there is not the same presumption against conversion of an existing building. Indeed, national and development plan policies seek to secure re-use of buildings, although expressing a preference for re-use for employment purposes. Consistent with Countryside policy the proposal entails re-use of an existing building without its extension or external alteration, and the applicant anticipates it will provide employment for 5-6 people. Nor will the proposal erode the openness of the Greenland.

Following consultation with the Council's Forward Planning Section it is considered that In accordance with PPS4, regard should be had not only for the impact of a proposal in terms

of economic and physical regeneration and employment, but also the sustainability of the proposal. It is preferable for uses generating significant traffic movements to be located in/adjacent to Town Centres, where accessibility is better by means other than the private car. However, PPS4 does not define a nursery as a town centre use, the lawful use of the building has the potential to generate significant traffic movements and it is not proposed to add to car parking provision.

The site is not on a quality bus route and, as such, would be reliant on the car if its catchment area extends beyond walking distance and would not promote or encourage linked-trips. I am mindful, however, that the scheme would create further employment, and would bring a currently vacant building back into use.

The scheme is therefore considered acceptable in principle.

#### Visual Amenity

No external changes to the building are proposed and no trees would be removed. Some small fencing would be erected around the patio area for the security of the children. Full details of which can be secured by condition. Accordingly, I do not consider that the development would be unduly detrimental to the character and appearance of the area.

#### Neighbour Amenity

The proposed opening hours are not considered to be such that undue detriment would be caused to residential neighbours by reason of noise, nor would there be significantly greater likelihood of light pollution than the lawful use.

There has been no evidence provided to show that the proposed development would be incompatible with or unduly detrimental to development of the Ski Centre.

The scheme is considered acceptable in terms of neighbour amenity.

#### Access/Parking

Haslingden Old Road is a classified road and the Highway Authority is satisfied that it can accommodate the traffic associated with the proposed development. I concur with the view of the Highway Authority that there is a need to better sign the 1-way system in/out of the car park & the spaces allocated to the nursery and provide the additional footway from Haslingden Old Road.

## **8. SUMMARY REASON FOR APPROVAL**

The development is considered appropriate in principle within the Countryside and Greenland and, subject to conditions, would not unduly affect visual and neighbour amenity or highway safety. Therefore, it is considered that the proposed development is in accordance with PPS1 / PPS7 / PPG13, Policies DP1-9 / RDF1 / RDF2 / RT2 / RT4 / EM1 of the Regional Spatial Strategy for the NW of England (2008), and Policies 1,8,9,10,14, 17,18,23 and 24 of the Council's Core Strategy DPD (2011)

## **9. CONDITIONS**

1. The development shall be begun before the expiration of three years from the date of this permission.

*Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development shall be carried out in accordance with floor plans date stamped 03

October 2011, and at no time shall the number of children attending the nursery exceed 24, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.

*Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*

3. Prior to first use of the nursery hereby permitted full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority :
- The 10 car parking and 2 drop off spaces to be clearly marked on the surface and signed with the operation times (Monday – Friday 08.00 – 18.00) to separate them from the other parking spaces in the area.
  - The new footway to be constructed alongside the exit road to Haslingden Old Road from the car park.
  - The new signage to be erected to clearly show the entrance and exit to the car park.
  - The siting and design of any fencing to be erected, including fencing to separate the public footpath from the site.
  - The pruning works to be undertaken to trees.
  - Any system of external illumination to be provided.

The development shall be completed in accordance with the above requirements, and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

*Reason : In the interests of highway safety in accordance with Policy 1 and Policy 24 of Rossendale Borough Council's Core Strategy DPD (2011).*

4. No external play shall occur unless in the areas shown on additional site plan received 27/10/2011.

*Reason: In the interests of neighbour amenity and to protect the open and rural character of the area in accordance with Policy 1 and Policy 24 of Rossendale Borough Council's Core Strategy DPD (2011).*

5. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

*Reason: To safeguard the amenities of neighbours, in accordance with Policy 1 and Policy 24 of Rossendale Borough Council's Core Strategy DPD (2011).*